REMARKS

Claims 8-23 and 25 are pending in the application and rejected. Claims 1-7 and 24 are withdrawn, not canceled as incorrectly stated in the last Office Action. Claims 8, 9 and 11 are rejected under 35 U.S.C. § 112, first paragraph, and Claims 8 and 25 are rejected under 35 U.S.C. § 112, second paragraph. Claims 8-10 and 13-23 are rejected under 35 U.S.C. § 102(b), and Claims 11 and 25 are rejected under 35 U.S.C. § 103(a). Claims 8-11, 19 and 25 are currently amended. Applicant respectfully traverses the foregoing rejections.

The Section 112 Rejections Should Be Withdrawn

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "receiving a second request" is not supported by the specification and thus constitutes new matter. Applicants respectfully disagree.

The first two steps of Claim 8 relate to the claimed "first request" and require "receiving a first request from a computer associated with the audience member" and "transmitting a cookie to the computer associated with the audience member in response to receiving the first request." The Examiner is invited to peruse paragraph 30 of the specification, which provides support for the claimed first request identified above. As noted in paragraph 30 of the specification:

> [A]n audience member browser 300 initiates the process in step 340 by requesting a website page from a site within the network, www.domain1.com 310. Responsive to the website page request directed to www.domain1.com 310, a page is returned to the browser 300 with an image tag which may reference the targeting engine 152 at te.domain1.com in step 342. In step 344, an image request is sent from the browser 300 to the targeting engine 152. If a unique identifier is not included in the request, in step 346 a redirect is sent to the browser 300 to the targeting engine 152 now referenced as te.primarydomain.com. The redirect includes a reference to the original targeting engine reference in step 344, te.domain1.com. For example, the redirect may be http://te.primarydomain.com/blank.gif?te.domain1.com. In step 348, the

> browser 300 may send this redirect request to te.primarydomain.com. Responsive to this request, in step 350 a primarydomain.com cookie containing a unique identifier for the audience member is assigned to the browser 300. In step 352, a second redirect is made of the browser 300 to te.domain1.com, that may include the same unique identifier as set in the primary domain cookie. For example, the redirect may be http://te.domain1.com/blank.gif?tid=7dha6wlk9927sha. In step 354, the redirect request is returned with the originally requested image and a domain1.com cookie with the same unique identifier as the primarydomain.com cookie.

The image request of step 344 is the claimed first request. As explained above, the image request of step 344 results in a series of redirects 346, 348 and 352, which in turn result in the return to the browser of the originally requested image and a domain1.com cookie with the same unique identifier as the primarydomain.com cookie. As noted in paragraph 31 of the specification, "[t]his process of providing a domain cookie with the unique identifier is carried out each time the audience member visits a new website page for the first time so long as the new website is related to the other websites in the network from the viewpoint of the Targeting Engine."

Applicants wish to point out that Claims 8-11 have been amended to refer to the cookie containing the unique identifier as a "domain cookie" to assist in distinguishing this cookie from the segment-targeting cookie. Support for the domain cookie being different from the segment-targeting cookie, as well as the unique identifier being separate from the segment identifier, is found throughout the specification, but in particular in paragraph 34 where it is stated that "[t]he segment identifier is then sent to the Targeting Engine 152, along with the audience unique identifier." The foregoing passage makes it clear that the segment identifier and the unique identifier are separate and distinct things.

The last two steps of Claim 8 relate to the claimed "second request" and require, "receiving a second request from the computer associated with the audience member"

and "delivering content to the audience member based on the segment identifier in response to receiving the second request." The Examiner's attention is directed to paragraph 36 of the subject application for support of the claimed second request, which states:

> A method of delivering targeted content to an audience member based on the segment affinity data is illustrated in Fig. 6. With reference to Fig. 6, an audience member requests a website page in the network of related websites in step 230. The Targeting Engine is notified of the website page request in step 232. Responsive to the audience members request for a website page, in step 234 the Targeting Engine determines whether or not a domain cookie, associated with the requested website page, includes a unique identifier for the audience member. If a unique identifier is not identified, the Targeting Engine will provide a website domain cookie with a unique identifier as described above in connection with Fig. 4. Once a website domain cookie is provided with a unique identifier, in step 236 the Targeting Engine may determine whether or not a segment-targeting cookie is already associated with the audience member in the data warehouse. The segment-targeting cookie may include a segment identifier that indicates the segment(s) to which the audience member belongs. If segment affinity data is stored in the data warehouse for the audience member, then a segment-targeting cookie is created and stored in the audience member computer with the appropriate segment identifier in step 238. In step 240, content may be delivered to the audience member based on the segment identifier in the segment-targeting cookie stored in the audience member computer.

The request of step 230 is the claimed second request. It is this second request that causes the Targeting Engine to determine if segment affinity data is stored in the data warehouse for the audience member, and if so, to create and store a segment-targeting cookie in the audience member computer with the appropriate segment identifier, which in turn results in content being delivered to the audience member based on the segment identifier in the segment-targeting cookie.

In summary, the characterization of the specification as only discussing "one request" is incorrect. There are many requests by the audience member browser referenced in the specification, and two of these requests, discussed in paragraphs 30

and 36, result in the return of a domain cookie with a unique identifier for the audience member, and the return of a segment-targeting cookie with a segment identifier, respectively. In view of the foregoing explanation, which is fully supported by the specification, the Section 112, first paragraph rejection of Claim 8 should be withdrawn.

Claim 9 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "in response to transmission of a second website page" is not supported by the specification and thus constitutes new matter. Applicants respectfully disagree, however a minor amendment has been made to Claim 9 to assist in clarifying the claim language.

After being amended, Claim 9 recites, *inter alia*, the step of, "determining the absence of a domain cookie with a unique identifier for the audience member in response to a request for transmission of a second website page to the computer." (Emphasis added). The Examiner is directed to paragraph 31 for support of this limitation, which states:

> After the process illustrated in Fig. 4 is completed, an audience member visit to another website in the network, such as www.domain2.com, may result in a request for an image at te.domain2.com. If the Targeting Engine 152 does not detect a domain2.com cookie with a unique identifier following the image request, the Targeting Engine 152 may redirect a request to primarydomain.com for a cookie. Responsive to this request to primarydomain.com, the primarydomain.com cookie is read and a redirect is sent back to the browser 300 containing the unique identifier contained in the primary domain.com cookie. The unique identifier in the primarydomain.com cookie is the same as previously set. The requested image may then be sent to the browser 300 along with the domain2.com cookie which may have the same unique identifier as the primarydomain.com cookie. This process of providing a domain cookie with the unique identifier is carried out each time the audience member visits a new website page for the first time so long as the new website is related to the other websites in the network from the viewpoint of the Targeting Engine.

The foregoing paragraph discloses that after visiting a first website www.domain1.com (as explained in paragraph 30), the audience member may visit "another" (second) website in the network. Paragraph 30 explains that when another website page is visited, a page is returned to the audience member browser with an image tag. With renewed reference to paragraph 31, if a domain2.com cookie with a unique identifier is not detected following the image request, the Targeting Engine may redirect a request to primarydomain.com for a domain cookie. The requested image may then be sent to the browser along with the domain2.com cookie which may have the same unique identifier as the primarydomain.com cookie. The process of providing a domain cookie with the unique identifier is carried out each time the audience member visits a new website page for the first time.

In view of the foregoing, Applicants respectfully assert that the specification supports the claimed step of making a request for transmission of a second website page. Reconsideration and withdrawal of the Section 112, first paragraph rejection of Claim 9 is requested.

Claim 11 is rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the claim limitation "modifying the domain cookie transmitted to the computer. . .to contain the unique identifier for the audience member" is not supported by the specification. The Examiner's attention is directed to paragraph 29 of the specification which states:

> A method of providing the unique identifier in each of the domain cookies associated with a number of related website pages is illustrated in Fig. 4. Each of the domain cookies associated with the website pages visited by the audience member may be modified to include the unique identifier by designating one of the related website page domains as the primary website domain. A primary domain cookie with the unique identifier is established for the primary website domain. Usually, a network will already have a domain that can be used for this purpose. If

not, one of the domains in the network may be designated as the primary domain. (Emphasis added).

The foregoing paragraph expressly supports that which is claimed, namely that "each of the domain cookies associated with the website pages visited by the audience member may be modified to include the unique identifier...". (Emphasis added). The specification continues in paragraph 30 to explain that the modified domain cookie, which is called the domain1.com cookie in the example provided, is returned (i.e., transmitted) to the audience member in step 354 shown in Figure 4.

It is respectfully asserted that the step of modifying a domain cookie set forth in Claim 11 is supported by paragraphs 29 and 30 of the specification. Accordingly, Applicants request reconsideration and withdrawal of the Section 112, first paragraph rejection of Claim 11.

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph for three reasons. First, it is asserted to be unclear if the "first cookie" is different from the "segment-targeting cookie," and if the two cookies are different, there is no disclosure of what information is stored in the first cookie. The foregoing remarks directed to the Section 112, first paragraph rejection of Claim 8 are incorporated herein in answer to the present rejection. Paragraphs 30-36 of the specification distinguish between the "first cookie," which is exemplified by the domain1.com cookie in the specification, and the segment-targeting cookie." The two cookies are different. In order to assist with this differentiation, Applicants have amended Claims 8-11 to refer to "domain" cookies and "segment-targeting" cookies. Furthermore, the information stored in the domain cookie is disclosed in paragraph 30. With reference to Figure 4, in step 354, the redirect request is returned with the originally requested image and a domain1.com cookie with

the same unique identifier as the primarydomain.com cookie. Thus, the "domain cookie" is disclosed to have a unique identifier stored in it.

Second, the claim is asserted to be indefinite because, contrary to paragraph 9 in the specification, in Claim 8 no content is recited to be delivered based on the first request, and it is not until the user makes another second request that information is delivered to the user. The Examiner's reliance on only paragraph 9 is likely the source of confusion. Paragraph 9 should not be relied upon to completely explain all embodiments and all steps of each embodiment of the invention. Paragraph 9 is a summary of one embodiment of the present invention, which, upon review does not conflict with Claim 8.

As explained above in answer to the Section 112, first paragraph rejection of Claim 8, the recitation of first and second requests is fully supported by paragraphs 30 and 36 of the specification. With reference to paragraph 30, again, the process begins with a first request and responsive to the website page request directed to www.domain1.com, for example, a page is returned to the browser with an image tag. Thus, content is delivered in response to the first request. With reference to paragraph 36, again, at a later time, an audience member requests a website page in the network of related websites in step 230. Responsive to the audience member's request for this website page a number of additional steps are carried out which culminate with step 240, in which content may be delivered to the audience member based on the segment identifier in the segment-targeting cookie stored in the audience member computer. Thus, content is also delivered in response to the second request.

Third, it is asserted that the recitation of receiving a first request from a computer associated with the audience member in response to transmission of a website page to

the computer is indefinite because it is unclear what the Applicants mean by this limitation. As noted above, what is meant by the claimed first request is fully explained in paragraph 31 of the specification. The Examiner is requested to interpret the meaning of this limitation consistently with the explanation provided in the specification as a whole, but with particular attention to paragraph 31. Reconsideration and withdrawal of the Section 112, second paragraph rejection of Claim 8 is respectfully requested in light of the foregoing.

Claim 25 is rejected under 35 U.S.C. § 112, second paragraph because it is unclear if the "content" referenced in Claim 25 is the same content referenced in Claim 8. Applicants have amended Claim 25 as suggested by the Examiner to distinguish the two recitations of "content" by expressly identifying the content in Claim 25 as "additional" content. Reconsideration and withdrawal of the rejection of Claim 25 on Section 112 grounds is requested in light of this amendment.

The Section 102 and 103 Rejections Should Be Withdrawn

Claims 8-10 and 13-23 are rejected under 35 U.S.C. § 102 as being anticipated by Merriman et al., U.S. Patent No. 5,948,061 (hereinafter "Merriman"). Claims 11 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of do Rosario Botelho et al., U.S. Patent Pub. No. 2002/0069105 (hereinafter "do Rosario Botelho") or in view of Official Notice. Claims 8 and 19 are independent claims, and Claims 9-18, 20-23 and 25 depend directly or through intervening claims from one or the other of the two independent claims.

Claim 8 recites, *inter alia*, the steps of (i) "associating the audience member with a segment of audience members based on the profile data," (ii) "transmitting a segment-

targeting cookie, which includes a segment identifier for the segment of audience members, to the computer associated with the audience member," and (iii) "delivering content to the audience member based on the segment identifier." Similarly, Claim 19 recites, *inter alia*, the steps of (i) "associating the audience member with a segment of audience members based on the profile data," (ii) "identifying the segment of audience members with a segment identifier included in a segment-targeting cookie," (iii) "transmitting the segment-targeting cookie to a computer associated with the audience member," and (iv) "delivering content to the audience member based on the segment identifier." Further, Claims 8 and 19 are amended to make it clear that the segment-targeting cookie is different from the domain cookie, and that the segment identifier is separate from the unique identifier. None of these limitations is disclosed in Merriman.

The latest Office Action asserts that Merriman discloses the step of associating the audience member with a segment of audience members based on the profile data at column 5, lines 50-63 and column 6, lines 6-11. Perusal of Merriman confirms, however, that neither of these portions of Merriman, nor any other portion, discloses the step of associating an audience member with a segment of audience members. Instead, the referenced portions of Merriman actually disclose that an ad server may obtain a variety of information about one particular user, and that this information may be stored in a database to be used to select an advertisement to be sent to the user. In Merriman, the user is not associated with a segment of other users. The method described in Merriman for targeting advertisements to a user does so on an individual user-by-user basis, not for a group or segment of users.

As a result of failing to disclose the step of associating an audience member with a segment of other audience members, Merriman also necessarily fails to disclose the

steps of identifying a segment of audience members or users with a "segment identifier" in a "segment-targeting cookie," and/or transmitting the "segment-targeting cookie" to the user's computer because the later two steps require the step of associating an audience member with a segment of audience members as a predicate. Merriman also fails to disclose the step of delivering content to the audience member based on a segment identifier in a segment-targeting cookie. In fact, the portions of Merriman relied upon disclose the use of only one type of cookie with an identifier, and that identifier identifies an individual browser. Conversely, Claims 8 and 19 require two separate identifiers, a unique identifier to access profile information for an audience member and a segment identifier to associate an audience member with a segment of audience members and cause advertisements selected for the segment of audience members to be sent to each of them. In view of the foregoing distinctions between Claims 8 and 19 and Merriman, Applicants respectfully request that the rejections of Claims 8-23 and 25 be withdrawn.

Applicants also wish to point out that various of the dependent Claims 9-18, 20-23 and 25 are patentable for reasons independent of those set forth above. For example, Merriman fails to disclose the steps of determining the absence of a cookie with a unique identifier for the audience member and setting a unique identifier in a second domain cookie as a result, which are recited in Claims 9-10. Similarly, Merriman does not disclose the step of modifying a domain cookie as recited in Claim 11. Merriman also fails to disclose the step of defining a segment of audience members by rules that recognize any common affinity between two or more audience members recited in Claim 15. Merriman further fails to disclose the steps of comparing the profile data of a plurality of audience members and forming a segment of audience members

based on the comparison which are recited in Claims 17 and 21. Accordingly, the rejection of all pending claims, including but not limited to the foregoing specified dependent claims, should be withdrawn.

Should the Office believe anything further is required to place the application in condition for allowance the Examiner is invited to contact Applicant's representative at the telephone number listed below. A request for continued examination and a one-month extension of time fee is believed to be required for consideration of the present response. The Director is hereby authorized to charge the fee for a request for continued examination and a one-month extension of time and any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Director is hereby invited to contact the undersigned to arrange payment.

Respectfully submitted,

Date: May 5, 2009

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